

**Introduced by Senator Correa**

February 18, 2010

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An act to amend Section 65584 of the Government Code, relating to land use.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1189, as introduced, Correa. Land use: housing element: regional housing need.

The Planning and Zoning Law requires a city or county general plan to include specified elements, including a housing element that identifies adequate sites for housing and makes adequate provision for the existing and projected housing needs of all economic segments of the community. That law requires a city or county to revise its housing element according to a specified schedule, requires the Department of Housing and Community Development to determine the existing and projected need for each region for the 4th and subsequent revisions of a city's or county's housing element, and requires a city's or county's share of the regional housing need to include the share of the housing need of persons at all income levels within the area significantly affected by the general plan of that city or county.

The Planning and Zoning Law further requires the appropriate council of governments, or for a city or county without a council of governments the department, to adopt a final regional housing allocation plan, allocating to each city or county within the region its share of the regional housing need, at least one year prior to a scheduled revision of that city's or county's housing element.

This bill would make a technical, nonsubstantive change in that law.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 65584 of the Government Code is amended to read:

65584. (a) (1) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of ~~the~~ *that* city or county.

(2) While it is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, it is recognized, however, that future housing production may not equal the regional housing need established for planning purposes.

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05 with the advice of the department.

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall

1 extend the corresponding housing element revision deadline  
2 pursuant to Section 65588 by not more than 60 days.

3 (d) The regional housing needs allocation plan shall be  
4 consistent with all of the following objectives:

5 (1) Increasing the housing supply and the mix of housing types,  
6 tenure, and affordability in all cities and counties within the region  
7 in an equitable manner, which shall result in each jurisdiction  
8 receiving an allocation of units for low- and very low income  
9 households.

10 (2) Promoting infill development and socioeconomic equity,  
11 the protection of environmental and agricultural resources, and  
12 the encouragement of efficient development patterns.

13 (3) Promoting an improved intraregional relationship between  
14 jobs and housing.

15 (4) Allocating a lower proportion of housing need to an income  
16 category when a jurisdiction already has a disproportionately high  
17 share of households in that income category, as compared to the  
18 countywide distribution of households in that category from the  
19 most recent decennial United States census.

20 (e) For purposes of this section, “household income levels” are  
21 as determined by the department as of the most recent decennial  
22 census pursuant to the following code sections:

23 (1) Very low incomes as defined by Section 50105 of the Health  
24 and Safety Code.

25 (2) Lower incomes, as defined by Section 50079.5 of the Health  
26 and Safety Code.

27 (3) Moderate incomes, as defined by Section 50093 of the Health  
28 and Safety Code.

29 (4) Above moderate incomes are those exceeding the  
30 moderate-income level of Section 50093 of the Health and Safety  
31 Code.

32 (f) Notwithstanding any other provision of law, determinations  
33 made by the department, a council of governments, or a city or  
34 county pursuant to this section or Section 65584.01, 65584.02,  
35 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08  
36 are exempt from the California Environmental Quality Act  
37 (Division 13 (commencing with Section 21000) of the Public  
38 Resources Code).

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